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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL TENORE,
Plaintiff,
v.
EVALYN HOROWITZ, et al.,
Defendants.

No. 2:17-cv-1802 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. This action proceeds on plaintiff’s claims that defendants were deliberately indifferent to plaintiff’s serious medical needs while plaintiff was housed at Mule Creek State Prison (“MCSP”) in 2015. On November 13, 2018, plaintiff filed a motion to order the “CDCR Medical Records at MCSP” to provide plaintiff with certain medical records. Plaintiff claims that on several occasions he has requested certain relevant medical records from the CDCR, but that the CDCR has “silently refused him.” (ECF No. 39 at 1.) Defendants oppose plaintiff’s motion. Plaintiff did not file a reply.

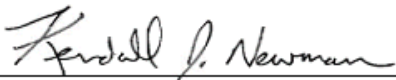
Plaintiff’s motion is improper. As argued by defendants, MCSP is not a party in this case. Also, plaintiff provided no copies of formal discovery requests propounded to defendants, or any responses he claims were insufficient, as required under Local Rule 250.3. Rather, he simply asks the court to issue an order to provide documents. In order to obtain court-ordered discovery, plaintiff must properly propound discovery requests as provided in the Federal Rules of Civil

1 Procedure; then, if defendants fail to respond or plaintiff is dissatisfied with a response, plaintiff
2 may seek relief from the court. Further, plaintiff is advised that he has access to his prison
3 medical file, and may review and obtain copies by following prison procedures, for example,
4 seeking an Olsen Review. Plaintiff must avail himself of such procedures. Finally, plaintiff's
5 first two requests are overbroad because he requests medical records from 2000 to the present, but
6 his allegations in this action pertain to medical care provided in 2015.

7 Nevertheless, defendants provide evidence that plaintiff has been provided over 1,500
8 pages of medical records.

9 For all of the above reasons, IT IS HEREBY ORDERED that plaintiff's motion (ECF No.
10 39) is denied.

11 Dated: December 18, 2018

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13 _____
14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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